

# CITY OF NEWBURGH

## ZONING BOARD OF APPEALS

Ruth Smith, Chairperson

Ann Mullin, Secretary

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123 Grand Street, Newburgh, New York 12550      (845) 569-7400      Fax: 569-7435  
Fees: Commercial      \$275.00  
Residential      \$175.00

APPEAL NO.: \_\_\_\_\_

**APPLICATION TO THE ZONING BOARD OF APPEALS  
CITY OF NEWBURGH, NEW YORK  
REQUEST FOR *USE VARIANCE(S)*  
(TYPE OR PRINT IN DARK INK)**

I. PROPERTY: \_\_\_\_\_

TAX MAP DESIGNATION:    SECTION: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_

ZONING DISTRICT: \_\_\_\_\_

II. PROPERTY OWNERSHIP:

NAME OF OWNER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

III. APPLICANT INFORMATION

APPLICANT NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE #: \_\_\_\_\_

(IF THE APPLICANT IS NOT THE OWNER, WRITTEN PROOF THAT THE OWNER  
CONSENTS TO THE APPLICATION MUST BE SUBMITTED WITH THIS APPLICATION.)

IV. SUBJECT TO APPEAL

Pursuant to the provisions of Section 300-79 of the Zoning Ordinance, this application,  
relative to the above referenced property, constitutes an appeal from the decision of the  
Zoning Administrator, or other City of Newburgh Agent (name and title of agent):  
James V. Morrill, Deputy Fire Chief/Building Inspector

A copy of this decision, dated \_\_\_\_\_, must be attached.

V. APPEAL REQUEST

This appeal takes the form of a request for

[     ] Use Variance(s)

Please be advised that all sections under this heading must be answered completely. Bear in mind that a variance is actually relief from the strict application of the requirements of the law (the Zoning Ordinance), and the Zoning Board of Appeals is required to give sound reasons, based on the criteria set forth in this application, for granting any such relief. ***All criteria must be met by the applicant.*** It is incumbent upon the applicant to demonstrate to the Board that these criteria are satisfied. Additional sheets may be attached as necessary. Please also note carefully the list of required attachments on the last page of this application.

VI. VARIANCE REQUEST

I/We, \_\_\_\_\_, hereby apply to the Zoning Board of Appeals for a variance of the following requirements of the Zoning Ordinance.

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- (i) The granting of the variance is necessary in order to realize a reasonable return, and lack of is substantial, as demonstrated by competent financial evidence set forth herein and in attached documentation.  
*(For example, actual "dollars and cents" proof in the form of documentation must be submitted; must show cannot be sold or leased for any permitted use; a show of efforts to sell or rent for each use permitted; a show of effort to market.)*

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- (ii) Please explain if the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

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- (iii) Please explain if the requested use variance(s) will alter the essential character of the neighborhood. If it will not alter the character, please explain why:  
*(For example, will use change parking or traffic patterns, noise levels, lighting? Will it create commercial character in residential district? Is use like other uses in the neighborhood? Are you proposing change in outward appearance of building?)*

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- (iv) Explain if your need for a variance(s) is the result of a self-created hardship on your part. If not explain how the hardship is not self-created.  
(For example, did you purchase the property before or after a zoning change that requires you to get the use variance, have you already made change to the property and are operating the new use?)

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VII. LIST OF ATTACHMENTS

1. Site or Plot Plan: Eleven (11) copies.
2. Financial (Economic) Statement. This statement should not be person in nature. The date provided should relate directly to the property in question and should illustrate the economic injury or undue hardship suffered in the absence of the variance.
3. Letter or communication which resulted in application to the ZBA.
4. Other attachments deemed pertinent by the applicant (please list):
  - (a) \_\_\_\_\_
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
  - (d) \_\_\_\_\_

VIII. SIGNATURE AND VERIFICATION

Please be advised that no application can be deemed complete unless signed below.

STATE OF NEW YORK)

) ss.:

COUNTY OF ORANGE )

THE APPLICANT HEREBY STATES THAT ALL INFORMATION GIVEN IS ACCURATE AS OF THE DATE OF APPLICATION. THE APPLICANT IF NOT THE OWNER OF THE PROPERTY, HEREBY SWEARS THAT THIS APPLICATION IS MADE WITH THE INFORMED KNOWLEDGE AND CONSENT OF THE OWNER.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATED:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me the undersigned, a Notary Public or Commissioner of Deeds in the State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted; executed the instrument.

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